

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BAYER HEALTHCARE AG, ALCON, INC.
and ALCON RESEARCH, LTD.

Plaintiffs,

V.

Civil Action No. 06-234 (SLR)

TEVA PHARMACEUTICALS USA, INC.

Defendant.

**TEVA PHARMACEUTICALS USA, INC.'S RESPONSE TO ALCON'S
"NOTICE OF TRIAL TRANSCRIPT ERRATA" (D.I. 113)**

On July 2, 2008, Plaintiff's Alcon, Inc. and Alcon Research, Ltd. (collectively "Alcon") filed a document entitled "Notice Of Trial Transcript Errata." This document purports to identify two "errors" in the trial transcript. The passages containing theses supposed "errors" are cited in "Plaintiff's Post-Trial Brief On Validity" (D.I. 112, p. 30, fn. 8 and p. 36, fn. 13).

Teva Pharmaceuticals USA, Inc. (“Teva”) does not agree to the transcript changes requested by Alcon. The parties already addressed errata identified in the transcript in a Stipulation and Order signed by the Court (D.I. 95). Alcon did not attempt to contact Teva regarding the transcript changes it now requests. Alcon’s requested changes alter the substance of the testimony, and are not supported by the context in which the testimony occurs. Accordingly, Teva objects to Alcon’s unilateral attempt to change the testimony of its witnesses.

Dated: August 1, 2008

BAYARD, P.A.

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CERTIFICATE OF SERVICE

The undersigned counsel further certifies that, on August 1, 2008, copies of the foregoing document were sent to the following in the manner shown:

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